



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

DAS
F.#2003R00405

*271 Cadman Plaza East
Brooklyn, New York 11201*

February 3, 2012

BY HAND, EMAIL & ECF

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Myron L. Gushlak
Criminal Docket No. 03-833 (NGG)

Dear Judge Garaufis:

On January 30, 2012 the defendant, for the first time, indicated that he may seek to call certain unidentified officers of Global Net to testify at the upcoming Fatico hearing on February 13, 2012. The defendant further indicated that he would provide the government with a list of all potential defense witnesses. No such list was provided. At the next status conference, held on Wednesday, February 1, 2012, the government again requested a witness list, and the defense again promised to provide it. To date, however, the defendant has failed to provide the government with any witness list.

The defendant's unwillingness to identify his witnesses is particularly unfair given that the defense has had notice of the government's sole witness, Dr. DeRosa, since August 29, 2011, when the government filed an expert notice letter. Accordingly, the government respectfully requests that the Court order that the defendant provide the government with a full witness list by

10:00 a.m. on Monday, February 6, 2012 and that the defendant be precluded from calling any witnesses not identified on this witness list.

Respectfully Submitted,

LORETTA E. LYNCH
United States Attorney

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